



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3188

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

NOTICE OF VIOLATION

Mr. Mark Corsentino
General Manager
Anchorage Water & Wastewater Utility
3000 Arctic Boulevard
Anchorage, Alaska 99503-3813

Re: John M. Asplund Water Pollution Control Facility
NPDES Permit Number AK-002255-1

Dear Mr Corsentino:

On June 30, 2000, the U.S. Environmental Protection Agency (EPA) issued a 301(h)-modified National Pollutant Discharge Elimination System (NPDES) permit to the Anchorage Water & Wastewater Utility (AWWU) for the John M. Asplund Water Pollution Control Facility ("Facility"), NPDES Permit Number AK-002255-1 ("Permit"). The Permit became effective on August 2, 2000, and expired on August 2, 2005. Subsequently, EPA administratively extended the Permit.

Part IV.A.1 of the Permit states, "The permittee shall provide adequate notice to the Director, Office of Water [Water Division], and ADEC of:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to sections 301 or 306 of the Act if it were directly discharging those pollutants, and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit."

Part IV.A.2 of the Permit states, "For the purposes of this section, adequate notice shall include information on:

- a. The quality and quantity of effluent to be introduced into such treatment works, and
- b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works."

On July 19, 2019, Mr. Mario Croce, the AWWU Industrial Pretreatment Coordinator, certified that NRC Alaska LLC (NRC) was issued a Temporary Industrial Discharge Permit (TIDP) which allowed NRC to process polyfluoroalkyl substance (PFAS) contaminated wastewater followed by discharge through the Facility's Outfall 1. Per its initial permit application, NRC planned to discharge a total of 150,000 gallons of PFAS contaminated wastewater but in late September 2019, requested an increase to 400,000 gallons.

In a letter to Mr. Jamey Stoddard, dated November 22, 2019, you stated EPA was notified of the change in nature of the Facility's discharge in a pretreatment report and through discussions with EPA's Region 10 Pretreatment Coordinator.

EPA believes AWWU was in violation of Part IV.A.1 of its Permit because "adequate notice" of a change in pollutant character was not provided to EPA Region 10's Director of Water Division.

EPA would like to remind AWWU there are additional requirements for Publicly Owned Treatment Works (POTW) under a 301(h)-modified NPDES permit pertaining to pretreatment, and the introduction of toxic pollutants into the treatment system. The 301(h) program requires the introduction of toxic pollutants be minimized, and tightly controlled, through pretreatment, controls for industrial sources and educational outreach to nonindustrial sources. The preamble to the original 301(h) regulation states the "objective of the toxics control program is to control toxic pollutants and provide for their elimination from the applicant's discharge". [44 FR 34767]

Accepting wastewater contaminated with persistent bioaccumulative organic pollutants from outside your service area, e.g., Fairbanks International Airport, is inconsistent with this objective. Further, AWWU failed to adhere to 301(h) regulations when it established local pretreatment limits for PFAS. 40 CFR Part 125.65 requires industrial dischargers of toxic pollutants to demonstrate that an applicable pretreatment requirement is in effect for each pollutant, and any local limits established under 40 CFR Part 125.65(c)(1)(i) to satisfy Part 125.65(b)(1)(i) shall be, "Subject to approval by the Administrator as part of the 301(h) application review."

EPA is currently reviewing the Facility's 301(h), and NPDES re-application documents, so no action has yet been taken.

Within 45 calendar days, EPA requires AWWU to submit a list of actions, steps or processes it intends to implement to ensure compliance with the notification requirements of Section IV.A. of your Permit. Further, EPA requests all analytical results of NRC Alaska LLCs pretreatment process for PFAS referenced in your November 22, 2019 letter.

If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

JEFFERY
KENKNIGHT

Digitally signed by JEFFERY
KENKNIGHT
Date: 2020.06.11 11:27:27
-07'00'

Jeff KenKnight, Chief
Water Enforcement & Field Branch

cc: Ms. Tiffany Larson
Alaska Department of Environmental Conservation

Ms. Janice Wiegers
Alaska Department of Environmental Conservation

Ms. Marie Klingman
Alaska Department of Environmental Conservation

Mr. John Halverson
Alaska Department of Environmental Conservation

The Honorable Ethan Berkowitz
City of Anchorage

Ms. Tami Fordham
Environmental Protection Agency

Mr. Jamey Stoddard
Environmental Protection Agency

Mr. Michael Le
Environmental Protection Agency